

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:)
)
Gino's Rosemont LLC,) Case No. 20-16080
)
Debtor(s).)

NOTICE OF MOTION

To: See attached Service List

PLEASE TAKE NOTICE that on February 2, 2022, at 10:00 a.m., I will appear before the Honorable David D. Cleary, or any judge sitting in his place, and present the Trustee's Motion for Rule 2004 Examination Of Debtor, Russel Lubliner, Usbank and U.S. Bancorp, a copy of which is attached.

This motion will be presented and heard electronically using Zoom for Government. No personal appearance in court is necessary or permitted. To appear and be heard on the motion, you must do the following:

To appear by video, use this link: <https://www.zoomgov.com/join>. Then enter the meeting ID and passcode.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and passcode.

Meeting ID and passcode. The meeting ID for this hearing is 161 122 6457 and the passcode is Cleary644. The meeting ID and passcode can also be found on Judge Cleary's webpage, <https://www.ilnb.uscourts.gov/content/judge-david-d-cleary>.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the Court may grant the motion in advance without a hearing.

By: /s/ Phillip D. Levey
Phillip D. Levey
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Chicago, IL 60614
(773) 348-9682
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CERTIFICATE OF SERVICE

I, Phillip D. Levey, an attorney, certify that I served a copy of this notice of Motion and the attached motion described therein on the Office Of U.S. Trustee and Joseph E. Cohen via ECF and on the remaining persons, if any, by depositing the same in the U.S. Mail in envelopes, with proper postage prepaid, on January 26, 2022.

By: /s/ Phillip D. Levey

SERVICE LIST

Office Of U.S. Trustee
219 South Dearborn Street-Suite 873
Chicago, IL 60604

Joseph E. Cohen
Cohen & Krol
105 West Madison Suite 1100
Chicago, IL 60602

Russel Lubliner
Gino's Rosemont LLC
91 Shoreline Road
Lake Barrington, IL 60010

USbank
Attention: US Bancorp Center
800 Nicollet Mall
Minneapolis, MN 55402

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re:)
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Gino's Rosemont LLC,) Case No. 20-16080
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Debtor.)

**TRUSTEE'S MOTION FOR RULE 2004 EXAMINATION
OF DEBTOR, RUSSEL LUBLINER, USBANK AND U.S. BANCORP**

Phillip D. Levey, trustee herein, moves this Court to enter an order authorizing discovery of Gino's Rosemont LLC (the "Debtor"), Russel Lubliner, Usbank and U.S. Bancorp, pursuant to Fed. R. Bankr. P. 2004, and in support thereof states as follows:

1. This case was commenced by Debtor's filing of a voluntary petition for relief under Chapter 7 of the Bankruptcy Code on August 24, 2020.

2. Movant is the duly appointed, qualified and acting Chapter 7 trustee in this case.

3. Pursuant to this Court's Order of March 10, 2021, Russel Lubliner, the Debtor's Manager, was designated to perform those acts which the Debtor is required to perform by the Bankruptcy Code and Rules.

4. Prior to and after the commencement of this case, Gino's Rosemont LLC (the "Debtor") maintained one or more bank accounts at USbank, a nationwide banking institution owned by U.S. Bancorp.

5. In order to investigate and evaluate the Debtor's financial affairs, movant sought a turnover of the monthly statements, cancelled checks and the like for the aforesaid accounts by making a turnover request to the Debtor's counsel, Joseph Cohen.

6. To date, the Debtor has failed to turnover all of the monthly statements, cancelled checks and the like requested by movant.

7. As a result, movant needs to elicit discovery from the Debtor, Russel Lubliner, USbank and U.S. Bancorp with respect to said accounts and related matters. Accordingly, movant requests authority to compel the attendance of witnesses and production of documents pursuant to Fed. R. Bankr. P. 2004 with regard to the Debtor, Russel Lubliner, USbank and U.S. Bancorp.

Wherefore, movant prays for the entry of an order in conformity with this motion and for such other and further relief as may be appropriate.

/s/ Phillip D. Levey
Trustee

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